

CONSTRUCTION BOARD OF APPEALS
MINUTES

APRIL 25, 2005, 7:00 AM
COMMUNITY CONFERENCE ROOM

MEMBERS PRESENT: John Glover, Dave Fisher, Ed Noonan and Ron Clark

MEMBERS ABSENT: Bruce Bermel, Clinton Collins

STAFF PRESENT: Steve Kirchman, Chief Building Official
Bev Haw, Building Dept. Secretary

OTHERS PRESENT: Dan Everson, International Parts Supply, 7220 Ohms La.; Dale Swanson,
Dalsin Roofing. Brad Colehour, Edina property owner 5516/5520 France Ave.

John Glover, Chair, called the meeting to order at 7:05 a.m.

ROLL CALL

APPROVAL OF MINUTES:
April 11, 2005 meeting minutes approved.

AGENDA ITEM 1: Request for a variance by International Parts Supply, continued from April 11, 2005 meeting.

Mr. Glover opened the discussion by requesting any additional information on the subject of reroofing the warehouse at 7220 Ohms La. Discussion and review followed. Mr. Noonan expressed a concern that the decision to allow them to reroof without adding a thermal barrier in the warehouse area would not indicate a precedence when it became necessary to reroof the office portion of the building. Mr. Kirchman said that the sprinkler system in the warehouse is directed at the deck and in the office area the sprinklers are directed down toward the floor. Mr. Glover has done some research but was unable to discover any exceptions to the code. Mr. Kirchman said that the Fire Marshal's opinion is that the 15 minutes that the thermal barrier may buy you in this situation is a minimal amount of time and that he would much rather the money be spent on lowering the storage heights and maintaining the sprinkler systems. Mr. Glover again stated his concern about the possibility of the contents and owner changing. Mr. Kirchman stated that if they did store a higher hazard commodity they would be required to upgrade their sprinkler system to handle the additional hazard. If this variance were allowed it would not necessarily be hazardous but it would not be code compliant.

Mr. Glover asked for further discussion, no response. Mr. Glover asked if anyone would like to make a motion. Mr. Clark made a motion to approve their request for a variance. Mr. Noonan seconded this motion. A vote was taken, Noonan, Clark, Fisher voted to approve, Glover voted to deny. Motion carried.

AGENDA ITEM 2: Request for a variance regarding separate sewer and water lines for double residence located at 5516/5520 France Ave S.

The second item on the agenda was presented by Mr. Glover. This is a request by Brad Colehour to not divide his sewer and water systems when he splits a currently existing duplex into two individual single family dwellings.

Mr. Colehour explained that he purchased this property with the intent of improving and selling the property as twin homes or condos. The City Code does require separate sewer and water, however, there are several exceptions currently in the city. Mr. Colehour suggested that perhaps the City did not want to tear up France Ave. Mr. Colehour stated that there is currently 1 and $\frac{3}{4}$ bathrooms in each of the two units. Mr. Noonan asked what the cost would be to add separate sewer and water and Mr. Colehour answered that the figure would be in the \$5,000 - \$8,000 range. Discussion followed that France Ave. is a county road, the sewer and water does belong to the City. Mr. Noonan's commercial building at 54th and France has a $\frac{3}{4}$ " waterline and has experienced some water pressure concerns. Mr. Noonan had consulted a sewer and water contractor who stated that they would be pushing the limit right now and if someone decided to expand later on it would definitely be undersized. The water is on a party wall with cleanouts in each unit. Mr. Colehour has not lived in either unit but has stated that the water pressure is not currently an issue. Mr. Colehour stated that he believed that the precedent had been established by allowing this type of variance in the past. Mr. Clark requested clarification for the original purpose of this ordinance. Discussion followed and it was determined that the reason was for people to have individual control over their sewer and water problems. Mr. Clark suggested that a "partywall" agreement could be established between the individual owners of the property. With a "partywall" agreement the owners of the property share equally in any problems. Mr. Colehour will be selling the properties for approximately \$260,000 each. Mr. Glover raised a concern of future expansions on the property which would tax the existing systems. Mr. Colehour stated that he has replumbed all of the existing fixtures. Mr. Fisher has stated that there does not appear to be any type of a hardship prohibiting Mr. Colehour from meeting this code requirement. Discussion followed as to intent of code when it was established. Mr. Clark feels that the "partywall" agreement would prevent future problems between individual units. There was some confusion as to the exact intent and purpose of the current code. If, in the future, plans are brought to the City to expand or demolish and rebuild on this property we would look at the water service and it would be required to meet City Code. Mr. Noonan stated that a "partywall" agreement is a good approach, however, it would be preferable that the money involved be put toward the upgrade of the sewer and water issues regardless of whether or not the units themselves had new fixtures. Mr. Noonan stated that he would discount this property and suggested that Mr. Colehour could present this property as a much better value if at least the water service would be upgraded.

Mr. Noonan made a motion that, based upon the water service line being inadequate, that we do not approve this request. Mr. Fisher seconded the motion. Mr. Glover requested any further discussion. Mr. Glover asked for a vote, Glover and Clark voted to approve, Nonan and Fisher voted to deny. This presents a tie vote. Mr. Kirchman will review City Code to determine effect of tie vote and contact appellant and board members today. Board decisions can be appealed to the City Council.

ADDITIONAL BUSINESS

Mr. Kirchman stated that the Health Dept. made a decision on a pool that may be appealed to this board. This issue is in regard to the number of steps from the pool deck into the water.

Discussion followed regarding current members and term limits of board members.

ADJOURN

Meeting adjourned. 7:50 a.m.

Respectfully submitted by Bev Haw, April 25, 2005